

## **REMARKS**

In the Office Action, the Examiner rejected the claims 1, 15, 18, 45, 50 and 55 under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 6,139,433 of Miyamoto et al. in view of U.S. Patent No. 5,358,259 of Best; and rejected claims 2-11, 21-24, and 26-35 under § 103(a) as being unpatentable over Miyamoto et al. in view of Best and further in view of U.S. Patent No. 5,853,324 of Kami et al. The Examiner also indicated that claims 13, 14, 25, and 36-44 are allowed. The Examiner objected to claims 16, 17, 19, 20, 46-49, 51-54, and 56-59 as being dependent upon a rejected base claim but allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In response to the final Office Action, Applicant amends claims 1, 15, 18, 21, 22, 30-35, 45, 50, and 55 to more appropriately define the invention. Applicant also amends claims 16, 19, 46, 51, and 56 by rewriting those claims in independent form to include all of the limitations of their respective base claims. Applicant also amends claim 53 to correct an informality. Applicant also adds new claims 60 and 61 to cover additional aspects of the invention. Claims 1-11 and 13-61 are pending.

Applicant respectfully traverses the rejection of claims 1, 15, 18, 45, 50, and 55 under § 103(a) as unpatentable over Miyamoto et al. in view of Best.

In order to establish a *prima facie* case of obviousness, three basic criteria must be met. First, the prior art reference (or references when combined) must teach or suggest all the claim elements. Second, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify a reference or to combine reference teachings. Third, there must be a reasonable expectation of success. See M.P.E.P. § 2143.

Applicant provided a description of Miyamoto et al. in the Amendment filed December 29, 2003 and incorporate that description by reference to it here. As Applicant previously pointed out, Miyamoto et al. fails to teach or suggest the combination recited in Applicant's claim 1 including at least "artificial intelligence processing means." More particularly, Miyamoto fails to disclose or suggest the combination of features recited in claim 1, as Applicant proposes to amend that claim, including

artificial intelligence (AI) processing means for executing AI processing incorporating emotions of the movable body that influence and are influenced by at least one of circumstances, evaluation/determination, and factors of behaviors in said virtual three-dimensional space, wherein the AI processing determines an action which is independently associated with the movable body, such that the action can differ between identical sets of circumstances identical sets of evaluations/determinations, or identical factors of behavior.

Best fails to cure the deficiencies of Miyamoto. As Applicant explained in the Amendment filed December 29, 2003, Best merely teaches a video game which takes the form of a branching story that simulates dialogue between two or more on-screen characters and two or more human game players. (Column 3, lines 15-18) Best teaches two types of branching, mainly dialogue and scene branching. Dialogue branching allows the player to select alternative verbal responses of an on-screen character. (Column 9, lines 15-16) Scene branching permits alternative scene changes based upon a player's choice. (Column 9, lines 19-23) In Best, the on-screen character's actions and responses are based on the player's selection of a set of predetermined choices presented throughout the progression of the game. Based on the disclosure of Best, it appears that all responses by the game to the player's selection among the player's choices, are solely determined by the player's choice.

This determination based solely on player's choice fails to disclose or suggest Applicant's claimed combination wherein "AI processing determines an action which is independently associated with the movable body, such that the action can differ between identical sets of circumstances, identical sets of evaluations/determinations, or identical factors of behavior." Thus, in accordance with Applicant's invention as recited in claim 1, action of the movable body is not solely determined by a selection made by a player, but is also determined by emotions of the movable body that influence and are influenced by at least one of circumstances, evaluation/determination, and factors of behavior which are considered by the AI processing which determines the action of the movable body. Since the combination of Miyamoto et al. and Best fail to disclose or suggest all features of Applicant's claim 1, Applicant submits that claim 1 is allowable.

Applicant amends claim 15 in a manner analogous to the proposed amendment to claim 1, so that claim 15 is also patentable over Miyamoto et al. and Best for the reasons explained above with regard to claim 1.

Applicant amends rejected claim 18 to incorporate the artificial intelligence processing means of claim 1 as presented herein. Applicant therefore submits that amended claim 18 is allowable over Miyamoto et al. and Best for the reasons explained above with regard to claim 1.

Each of independent claims 45, 50 and 55 recite determining a behavior of at least one character based on an emotion factor, wherein the behavior is determined independently for each character. Applicant has further amended each of independent claims 45, 50 and 55 to clearly recite that the determined behavior can differ between identical sets of situations or identical factors of behavior. Applicant submits that

Miyamoto et al. and Best both fail to disclose or suggest the claimed combination of any of independent claims 45, 50 and 55 including such determination of behavior determined independently for each character wherein such behavior can differ between identical sets of situations or identical factors of behavior. Applicant therefore submits that independent claims 45, 50 and 55 are allowable over Miyamoto et al. and Best.

Applicant respectfully traverses the rejection of claims 2-11, 21-24, and 26-35 under § 103(a) as unpatentable over Miyamoto et al. in view of Best and further in view of Kami et al. Kami et al. fails to overcome the above noted deficiencies of Miyamoto et al. and Best. In particular, Kami et al. does not disclose or suggest artificial intelligence processing means that determines an action which is independently associated with a movable body, such that the action can differ between identical sets of circumstances, identical sets of evaluations/determinations, or identical factors behavior, as recited in Applicant's amended independent claims 1, 15, 18, 21, 22, and 30-35. Applicant therefore submits that these claims as well as the claims 2-11 that depend from claim 1 and dependent claims 22, 23 and 26-29 that depend from one of the allowable independent claims are also in condition for allowance.

As noted above, Applicant amends claims 16, 19, 46, 51 and 56 to be rewritten in independent form including all of the limitations of their base claims, there being no intervening claims. Applicant therefore submits that claims 16, 19, 46, 51, and 56 as amended are in condition for allowance.

New claim 60 recites a method including features of allowable claims 46 and 47 and should therefore also be allowable. New claim 61 recites a computer readable

medium including features of allowable claims 51 and 52 and should therefore also be allowable.

In view of the foregoing, Applicant submits that the claimed invention is not obvious in view of the prior art cited against this application. Applicant therefore requests the Examiner's reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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